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8	BEFORE THE BOARD OF REGISTERED NURSING
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10.	
11	In the Matter of the Accusation Against: Case No. 2013 - 898
12	ANDREA MARIA POZSAR 1776 Botelho Drive, Apt. 208
13	Walnut Creek, CA 94596 A C C U S A T I O N
14	Registered Nurse License No. 639576
15	Respondent.
16	Complainant alleges:
17	<u>PARTIES</u>
18	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19	official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20	Consumer Affairs.
21	2. On or about July 7, 2004, the Board of Registered Nursing issued Registered Nurse
22	License Number 639576 to Andrea Maria Pozsar (Respondent). The Registered Nurse License
23	was in full force and effect at all times relevant to the charges brought herein and will expire on
24	February 28, 2014, unless renewed.
25	JURISDICTION
26	3. This Accusation is brought before the Board of Registered Nursing (Board),
27	Department of Consumer Affairs, under the authority of the following laws. All section
28	references are to the Business and Professions Code unless otherwise indicated.

#### STATUTORY PROVISIONS

- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
  - 6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.
  - 7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."
- 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of

the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

9. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

#### PATIENT M.R.

10. Patient M.R. is a 30 year old female admitted to Santa Barbara Cottage Hospital on May 6, 2011 with Angioma Cavernoma and S/P Craniotomy with resection. On May 13, 2011, she underwent surgery that involved right temporal craniotomy. On May 15, 2011, Patient M.R. was assigned to Respondent after undergoing a right temporal craniotomy procedure.

## FIRST CAUSE FOR DISCIPLINE

#### (Unprofessional Conduct)

- 11. Respondent is subject to disciplinary action under section 2761 in that she committed acts of unprofessional conduct as follows:
- a. Failed to perform a proper neurological assessment of Patient M.R. by failing to perform a check of the patient's pupils as well as her motor strength every four hours.
- b. Failed to perform a proper respiratory assessment by failing to listen to Patient M.R.'s lung and heart sounds.
  - c. Failed to perform a proper surgical incision site assessment.
  - d. Failed to accurately measure the patient's fluid intake and output.
- e. Failed to clean the patient's IV port with an alcohol swab prior to administration of IV medications or fluids.

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### SECOND CAUSE FOR DISCIPLINE

(Falsify or Make Grossly Incorrect Entries in Patient Records)

12. Respondent is subject to disciplinary action under section 2761, subdivision (d) and 2762, subdivision (e) in that she documented in Patient M.R.'s medical records that she had performed neurological and respiratory assessments, when in fact, she had not.

#### <u>PRAYER</u>

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 639576, issued to Andrea Maria Pozsar;
- 2. Ordering Andrea Maria Pozsar to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
  - 3. Taking such other and further action as deemed necessary and proper.

DATED: APRIL 9, 2013

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant